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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,435

12/15/2003

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418268833US

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45979 7590 09/24/2010
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EXAMINER

AMINI, JAVID A

ART UNIT

PAPER NUMBER

2628

NOTIFICATION DATE

DELIVERY MODE

09/24/2010

ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JANET L. SCHORR, BRENT GILBERT,
and MARK FREDRICK IVERSON

Appeal 2009-014734
Application 10/736,435
Technology Center 2600

Before ROBERT E. NAPPI, KENNETH W. HAIRSTON,
and MAHSHID D. SAADAT, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304 or for filing a request for rehearing as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 23, 24, 27, 29, 35, 39, 41, and 44, which constitute all the claims pending in this application.² An oral hearing was conducted on this appeal on September 21, 2010. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellants' invention relates to a dynamic expanded timeline wherein a generated child timeline is an expanded view of a selected portion of an existing parent timeline (Spec. 15:32–16:13; Fig. 9). Claim 23, which is illustrative of the invention, reads as follows:

23. A computer-implemented method in a project information management system, comprising:
- placing a first line on an electronic drawing sheet, the first line representing a first time interval and including a first set of project events;
 - receiving an indication of a selection of a portion of the first line that represents a second time interval within the first time interval;
 - placing a second line on the electronic drawing sheet corresponding to the second time interval, the second line representing an expanded view of the second time interval and including a second set of project events corresponding to the first set of project events;
 - detecting a modification of a project event of the first set that is within the second time interval; and
 - automatically updating the second set of project events in the second line to conform to the updated project event of the first set.

² The Examiner canceled claims 25, 28, 30-34, 36-38, 40, 42, and 43 in a communication mailed August 12, 2009 as Appellants did not appeal the rejection of these claims.

The Examiner relies on the following prior art in rejecting the claims:

Hoellerer US 2006/0174211 A1 Aug. 3, 2006
(effectively filed Jun. 9, 1999)

Claims 23, 24, 27, 29, 35, 39, 41, and 44 stand rejected under
35 U.S.C. § 102(e) as being anticipated by Hoellerer.

Rather than repeat the arguments here, we make reference to the
Briefs and the Answer for the respective positions of Appellants and the
Examiner.

ISSUE

The Examiner reads the claimed first line and second line on
Hoellerer's alternative trip plans 242 and trip intervals 246 respectively,
shown in Figure 3 (Ans. 3) and concludes that by expanding the alternative
trip plan, the user can see more events of the second time interval (*id.*). The
Examiner further asserts that the user can expand the time interval of the
second line using handles 244a and 244b (Ans. 6-7) Appellants contend that
Hoellerer does not disclose an expanded timeline of a portion of any of the
alternative trips 242 (App. Br. 10). Additionally, Appellants assert that
neither the data structure in Figure 10, nor the changed start/end time of the
trip intervals using the handles 244a and 244b in Figure 3 of Hoellerer can
be considered an "expanded view" of a portion of the first line (Reply Br. 2-
3).

Therefore, the issue is whether the Examiner erred in rejecting the
claims as anticipated by Hoellerer by reading the claimed first line and
second line on Hoellerer's alternative trip plans 242 and trip intervals 246.

PRINCIPLES OF LAW

A rejection for anticipation requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. *See Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1347 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994).

ANALYSIS

We disagree with the Examiner's assertion (Ans. 6-7) that handles 244a and 244b expand the time interval of the second line wherein the second line is a portion of the first line and events may be added to the trip plan. We find that while Hoellerer uses the handles 244a and 244b to change the start and/or end of the intervals 246 (§ [0076]), any newly formed interval corresponds to a different segment of the trip plan 242 or the first line. As argued by Appellants (Reply Br. 3), moving the handles 244a and 244b may expand an interval compared to its old duration, i.e., moving the end from Thursday to Friday, but the new interval is not "an expanded view" of either the previous interval or a portion of the trip plan 242.

We also disagree with the Examiner (Ans. 7) that the data structure 1000 shown in Figure 10 of Hoellerer defines an expanded view of the trip plan. As depicted in Figure 10, the data structure represents the records 1010 corresponding to a trip plan and including fields that correspond to the start and end of each event within that trip plan. *See* § [0105]. As discussed by Appellants (App. Br. 9-10; Reply Br. 2-3), Hoellerer's data structure 1000 merely depicts an arrangement of the fields containing the trip plan

identifiers, the start time of each event, and the end time of each event. Therefore, contrary to the Examiner's interpretation of the reference's teachings, neither the data structure 1000, nor any of the trip intervals 246 represents an expanded view of the plan trip or the first line.

CONCLUSION

On the record before us, we find that the Examiner erred in rejecting claim 23 by reading the claimed first line and second line on Hoellerer's alternative trip plans 242 and trip intervals 246. Other independent claims 35, 39, and 44 include the same feature related to the second line representing an expanded view of the first line. Therefore, we do not sustain the 35 U.S.C. § 102 rejection of claims 23, 35, 39, and 44 nor of claims 24, 27, 29, and 41 dependent thereon, as anticipated by Hoellerer.

ORDER

The decision of the Examiner rejecting claims 23, 24, 27, 29, 35, 39, 41, and 44 is reversed.

REVERSED

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